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7 JUN 2007

In re Application of	:	DECISION ON
Rico Novella et al	:	
Application No.: 10/501,211	:	
PCT No.: PCT/ES02/00008	:	
Int. Filing Date: 01 October 2003	:	PETITION UNDER
Priority Date: 15 January 2002	:	
Attorney Docket No.: 600.004	:	
For: METHOD OF SENDING AND	:	
VALIDATING DOCUMENTS	:	37 CFR 1.181

This decision is in response to applicants' "REQUEST FOR REINSTATEMENT" filed on 21 May 2007, requesting the withdrawal of the Notice of Abandonment because the fee were timely filed as evidenced by the stamped postcard receipt.

**BACKGROUND**

In a communication from this Office on 21 June 2006, the communication stated that the "Notification of Response" mailed 12 January 2006 was vacated and that applicant was required to submit a \$870.00 fee within two months (2) from the date of the this notice. However, the period for response may be extended by filing a petition for extension of time under the provisions of 37 CFR 1.136(a).

On 18 December 2006, applicant filed a status of inquiry and a new power of attorney.

On 05 December 2007, the Office responded to the status inquiry, which stated a that a response to the "Notice Fee Due" mailed on 21 June 2006 was not of record in the application filed.

On 08 January 2007, the UPSTO mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909), which indicated that the applicant has failed to respond to the "Notification of Missing Requirements" mailed 28 February 2005 within the time period set therein.

In response to the "NOTIFICATION OF ABANDONMENT" mailed on 08 January 2007, applicants submitted on 21 May 2007 the instant petition requesting withdrawal of the Notice of Abandonment. In support of the request, applicants have provided a copy of the returned/stamped receipt card acknowledging a receipt date of 23 October 2006 of the required fees, within the time period of response.

### DISCUSSION

Applicants' present petition accompanied by a copy of the following document, filed purportedly with the PTO as indicated in the stamped postcard:

- (1) Copy of the Credit Card form (\$1,095.00)
- (2) Copy of "Notice Fee Due" (2 page)
- (3) Copy of Petition for Extension Time (2 month extension of time).

The postcard lists the above items and bears a USPTO date of stamp as 23 October 2006 (21 October 2006 felled on the weekend).

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicants' postcard is accepted as *prima facie* that the fees were timely deposited with the U.S. Patent and Trademark Office on 23 October 2006.

Accordingly, the date of receipt for the fees is October 23, 2006.

### CONCLUSION

The petition under 37 CFR 1.181 is GRANTED.

The NOTICE OF ABANDONMENT, mailed 08 January 2007 has been VACATED.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



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